

particularly sailboats and self-powered craft such as kayaks and canoes, which travel north and south along the coast, are forced to divert over a mile away from the protected cove into the rougher water of the Bay. This puts boaters into a major Bay shipping channel and in the path of maneuvering tankers preparing to dock or leave from the Long Wharf. Since Chevron's ships embark and disembark from the Bayside of the Wharf, privately operated water craft are forced to maneuver around the large tankers and attendant tugboats during their docking operations. This creates an inconvenient and dangerous situation for the public. Such impacts clearly rise to the level of significance, and mandate a search for either alternatives or mitigation measures.

It appears clear to even casual observers that there are alternatives that might avoid these impacts. While Chevron perhaps enjoys the convenience of the current long wharf, and would rather not invest in modifications to that wharf, alternative measures to bring petroleum to shore are available. For example, the El Segundo refinery uses an offshore mooring system and buried pipelines to transport petroleum to the refinery without disrupting access to the ocean beaches. Other refineries in San Pablo Bay have relied upon off-shore platforms for anchoring ships and pumping petroleum, with substantially diminished impacts on recreational boating. Even if the current wharf were to be essentially maintained, it appears possible to modify that wharf and create a span wide enough to allow recreational boats to pass under the wharf without disrupting operations. I am not suggesting that any of these alternatives would ultimately be determined to be feasible, rather, I am stating that the Commission has a responsibility to evaluate these measures, reach conclusions about their feasibility, and allow the public to comment in a meaningful way about those conclusions. That has not been done, and the resulting DEIR is simply inadequate.

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CONSISTENCY WITH ADOPTED PLANS

In virtually every EIR that is prepared in California, analysis is completed, as suggested in Appendix G to the CEQA Guidelines, that evaluates whether the project would "conflict with any applicable land use plan." In every EIR that I have seen or had a hand in preparing, such a conflict with an applicable land use plan is considered a significant impact. However, here the Commission chooses to dismiss such conflicts as less than significant, absent however, a compelling rationale.

The Bay Trail plan, and the City of Richmond's Open Space element, the Contra Costa Countywide Bicycle and Pedestrian Plan, and MTC's Bicycle Plan all constitute such plans that are inconsistent with the renewal of the lease. The DEIR relies on ownership of the land by Chevron rather than the Commission to dismiss these conflicts. While the Commission might ultimately be able to determine that ownership posed feasibility questions, that does not eliminate the Commission's responsibility to fairly assess the recreational impact and inconsistencies. Renewal of the lease for 30 years will allow Chevron to maintain the status quo and prevent completion of the Bay Trail through this area. Alternatives might well be available that would allow the Bay Trail and the refinery to operate compatibly. Simply asserting that the Commission doesn't have authority over Chevron's land is not analysis of the significant impacts of the "whole of the project", as required by CEQA. Further the Commission has used a significance threshold here that is dramatically different than that used by most local

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